IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22728 of 2004

Between:

B. Shivaramappa, s/o B. Veerabhadra Sharma,
Adoni, Kurnool District.

..... PETITIONER

AND

1 The District Educational Officer, Kurnool, Kurnool District.
2 Y.M.K. High School, rep. by its Manager and Correspondent,
Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the first respondent in not promoting the petitioner to the post of Head Master in the second respondent school taking into consideration the proposals submitted by the second respondent dt. 5-10-2003 and the recommendations of the Deputy Educational Officer, Adoni, dt.15-10-2003, as arbitrary, illegal, improper and unjust and further direct the respondents to promote the petitioner to the post of Head Master in the second respondent School with all consequential benefits and pass such other order or orders

Counsel for the Petitioner:MR.N.BHARAT BABU

Counsel for the Respondent No.1: GP FOR SCHOOL EDUCATION

The Court at the stage of admission, made the following :

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 22728 of 2004

ORDER:

The petitioner is working as Grade-I Kannada Pandit in the 2nd respondent institution. Though the proposals dated 05-10-2003, have been sent by the 2nd respondent to the 1st respondent with regard to the promotion of the petitioner, and subsequently the Deputy Educational Officer, Adoni, Kurnool District, also recommended the case of the petitioner through his proceedings dated 15-10-2003, the appropriate decision has not been taken by the 1st respondent in accordance with law.

2 . The prayer of the petitioner is to consider his case in

pursuance of the proposals sent by the 2nd respondent as recommended by the Deputy Educational Officer, Adoni, Kurnool District.

3. On considering the facts and circumstances of the case, I deem it appropriate to give a direction to the 1st respondent to consider the case of the petitioner. Accordingly, the 1st respondent is directed to consider the case of the petitioner for giving promotion as Head Master in the 2nd respondent school in accordance with law.

4. The writ petition, with the above direction, is disposed of. There shall be no order as to costs.

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December 9, 2004

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ON BEING MENTIONED

It is brought to the notice of this Court that two other writ petitions have been filed earlier by some teachers claiming promotion as Headmaster. But no interim orders have been passed. Now a direction is given by this Court to consider the case of the petitioner for giving promotion as Head Master in the 2nd respondent school, in accordance with law.

Therefore, there is no impediment to give such a direction because the competent authority has to take decision, in accordance with law.

The writ petition is ordered accordingly.

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10.12.2004

bsv

To

1 The District Educational Officer, Kurnool, Kurnool District.
2 Y.M.K. High School, rep. by its Manager and Correspondent, Adoni, Kurnool District.

3.2 CCs to the Government Pleader for School Education, High Court Bldgs., A.P., Hyderabad (OUT)

4. 2 CD copies